

HOUSE BILL 1755
By Fitzhugh

AN ACT to amend Tennessee Code Annotated, Title 38;
Title 39; Title 40 and Title 68, relative to
methamphetamine.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by
adding the following language as a new section:

Section 39-17-4__.

(a) The commissioner of health shall establish a registered drug list of over-the-counter medications containing any compound, mixture or preparation containing any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers which are used in the illegal manufacture of methamphetamine or other controlled and dangerous substances.

(b)

(1) All drugs on the registered drug list, when dispensed, sold or distributed at retail, shall be dispensed, sold or distributed only by a licensed pharmacist or a licensed pharmacy technician.

(2) Any person purchasing, receiving or otherwise acquiring any drug on the registered drug list from a retailer shall produce a photo identification showing the date of birth of the person and shall sign a written log showing the date of the transaction, name of the person, and the amount of the compound, mixture or preparation purchased.

(3) The retailer shall retain all original logs for a period not less than three
(3) years in a readily presentable and readable manner and shall present

the log upon demand by any law enforcement officer, an authorized representative of the district attorney general's office or the commissioner of health.

(c) No person shall purchase, receive or otherwise acquire more than nine (9) grams of any compound, mixture, or preparation on the registered drug list within any thirty-day (30) period.

(d) The provisions of this section shall not apply to:

(1) Any compounds, mixtures or preparations which are in liquid, liquid capsule or gel capsule form if ephedrine or pseudoephedrine is not the only active ingredient;

(2) Any other product that the commissioner of health exempts by rule from the registered drug list based on a finding that the product is not used in the illegal manufacture of methamphetamine or other controlled dangerous substances; or

(3) Any other product that commissioner of health, upon application of a manufacturer, exempts by rule from the registered drug list because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors.

(e) This section shall supersede any municipal ordinance that attempts to regulate or restrict the sale of any product governed by the provisions of this section.

(f)

(1) A violation of any provision of this section is a Class A misdemeanor punishable by fine only.

(2) The fine for a first violation of this section shall be one hundred dollars (\$100).

(3) The fine for a second violation of this section shall be five hundred dollars (\$500).

(4) The fine for a third or subsequent violation of this section shall be one thousand dollars (\$1,000).

SECTION 2.

(a) The commissioner of health is authorized to promulgate rules and regulations to establish a registered drug list. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(b) Notwithstanding the provisions of §§ 4-5-208 and 4-5-209 or any other provision of law to the contrary, the commissioner of health is authorized to promulgate public necessity rules and emergency rules to implement the provisions of this act.

SECTION 3. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2005, the public welfare requiring it.